REPORT

BY

THE DIRECTORS

OF THE

GREAT WESTERN RAILWAY

TO THE SHAREHOLDERS,

UPON

THE REPORT MADE BY THE COMMISSION,

APPOINTED TO ENQUIRE INTO CERTAIN ACCIDENTS
UPON THE G. W. R.

APRIL, 1855.

REPORT.

The Directors of the Great Western Railway, in making some remarks on a Report by Commissioners appointed to enquire into the late lamentable accident at Baptiste Creek, and into the causes of other accidents on the said Railway attended with personal injury or loss of life, feel that in doing so, they are only acting with proper respect for themselves, and for the interests committed to their charge.

Immediately after the unhappy occurrence which called the Commission into existence, much discussion naturally took place in the public prints under the impulse of excited feelings, and severe animadversions, almost regardless of facts or evidence, were directed against the Great Western Railway, its management and all connected therewith.

The Commission was appointed for a public purpose, and the Directors were willing and anxious that its objects, if carried out in a spirit of equity, tending to develope the whole truth, should have every assistance they could give. However, they never received any official intimation of the Commission being appointed, when or where it would be opened, or what were the particular matters to be enquired into, but

they were advised by good legal authority that the Commission was not legally appointed, and that the parties named in it had therefore no power to summon witnesses or to examine upon oath. These are grave irregularities. Still the Directors never intended or attempted to evade examination or to take any advantage of these circumstances. Indeed, except the Managing Director, Mr. Brydges, not one of them was even called upon to give evidence, and the first knowledge of the Commissioners' presence in Upper Canada was obtained by Mr. Brydges accidentally meeting one of them in the Court House, at Sandwich. Mr. Brydges then stated the desire of the company and of himself to assist their enquiry in every way they could. He was told the Company should have an opportunity of seeing all the evidence that might be taken, and that they might be represented throughout the sitting of the Commission, but that a cross-examination of witnesses would not be allowed. Mr. Brydges waited upon the commissioners when requested, and it is believed, afforded to them all the information which they sought from him, and he is glad to acknowledge here having received from them every personal courtesy and attention.

The Directors considered at first, and still hold the same opinion, that this important enquiry should have been conducted by more open and formal proceedings; the taking of evidence in a private room, without notice to the parties concerned, they consider, was unfair and objectionable, especially when witnesses were being examined under oath. They feel this more strongly when it now turns out that the Commissio ners extended their inquiry into questions not

included in their instructions, thus assuming a duty and authority to which they had no right. The details connected with these deviations from the enquiry they were sent to make, comprise more than one-half of the voluminous production that has been printed. Had the Directors and their officers been invited to hear or even to read this mass of evidence, taken partly from individuals known to be prejudiced, and many of them having little actual Railway experience, the Commissioners might perhaps have been saved from doing injustice as well as from errors in stating matters of fact.

It is understood that the Commissioners visited various parts of the country along the line of the Great Western Railway, without, however, giving any intimation to the Company so as to afford them an opportunity of watching the proceedings. They subsequently came to Hamilton, when the Directors expected some communication from them. Nothing of the kind, however, took place, but the enquiry was continued in a private room at the City Hotel; and what means were adopted to procure useful witnesses the Directors are not aware. Even the President of the Company was never invited to their presence, though individuals, known to be hostile, were examined. The Directors cannot but express their surprise at this proceeding, especially when they see great stress laid upon the *opinions* of parties in the United States.

With reference to the accidents reported upon by the Commissioners:

That at Lobo, on 2nd June, 1854, occasioned by a cow being on the track, has again to come before a Jury, and any remarks thereon are therefore scarcely appropriate in the meanwhile; but it is not out of place to ask

whether the Commissioners in searching for the *causes of accidents*, ever tried to ascertain whether it has not been a practice wilfully to drive cattle on to the track and leave them there to be run over. A sale to the Company is generally more profitable than sending them to market. In the case of the Lobo accident, the use of freight cars for passengers is reprobated; but in what respects are freight cars more dangerous than other cars or common stages? Passengers usually please themselves as to what kind of vehicle or vessel they travel in, and emigrants frequently prefer to travel in freight cars. The Commissioners, while they seem to admire American usages, admit this to be one of them. The Great Western Company only used freight cars for emigrants, because they had not a sufficient supply of others: these cars were fitted up with seats and well ventilated. The commissioners say the company should not have professed to carry traffic when they had not ample supplies of cars and rolling stock. The company had not been able to procure all the rolling stock they wanted. The commissioners do not mention any companies either on this Continent or in Europe, which refuse entirely to do business because they cannot do all, nor any community where such a restriction would be tolerated. The two Railways on the American side of the Suspension Bridge at Niagara Falls have not taken duly forward a large portion of the freight which this company has carried to the Bridge for the last two months, chiefly because they had not a sufficient supply of rolling stock, but unluckily for the Great Western, an established habit of complaining, whether right or wrong, brings most of

the odium of this matter on their shoulders. The Great Western Line was opened in an unfinished state, the Directors being urged to it by a strong public wish, and few people in Western Canada are free from whatever fault belongs to that measure. The Directors had given orders for more rolling stock than was at the time thought necessary, even by Mr. Clark, their chief engineer, but the traffic increased faster than was anticipated, or than the company's means of carrying could keep pace with; this remark applies to other matters of accommodation as well as to rolling stock. And it may be added that the Directors of the Great Western Railway had no means of accurately ascertaining before the line was opened, the amount of rolling stock they would require. Their Railway was an experiment, it was the first in the country and there was only conjecture on which to found an estimate of traffic.

Few critics will be found among those who have gone through the toil and difficulty of making and operating a railway of 240 miles with inadequate means. The time, too, has already passed away when the people of this country, or of any other, esteem it a privilege to invest their money in new railways, and annoying and useless regulations will not be needed to check what little disposition remains among capitalists to enter into engagements of that kind.

The commissioners in reporting upon the Lobo accident take occasion to recommend one invariable rule for punishment, viz., dismissal from the company's service, and legislative inability to be again employed, without regard to the nature of the offence. The Directors must express their entire dissent from this

opinion. It is enough to say that such a system would be unjust and impracticable, neither is it likely that men would be found long to take employment under a law so degrading, and which it is believed has no existence elsewhere.

The commissioners allude to a practice of running at and over cattle when on the track, and condemn it. This practice is not sanctioned on the Great Western, but is rather common in the United States, whence their favorite ideas of management seem to be taken. The newspapers of March 23rd report a passenger train on the Michigan Southern Line, having, on Saturday, the 17th of that month, "encountered a drove of cattle and killed fourteen."

The commissioners further recommend the Legislature to lay down rules and regulations for the guidance of Railway Officials: this must necessarily fix responsibility with the Government to a great extent, and transfer to the country liability for damage in accidents, since it must be manifestly unjust to place responsibility on parties who do not control the working. But, such a system goes further: it takes from trustees, appointed by owners of property as its guardians, the right of management. The principle, if worth anything, should apply to Common Stages, Steam Boats, and Sea-going Vessels. It is notorious, and may be found in statistical returns, that the loss of life on river navigation, in the United States, far exceeds that on railways, yet no excitement is produced; a few sympathetic remarks in newspapers alone, tell the story of fifty people being burnt, scalded, or drowned. The regulations for the staff of a railway

can never be made entirely perfect, changes and alterations, being constantly shown to be necessary.

The Commissioners, in alluding to the accident at Thorold, on the 6th of July, 1854, come to conclusions singularly at variance with the evidence given before the coroner's jury, and then state their opinions to be only "impressions," not derived from facts or witnesses. They say the night was *clear* moonlight. The evidence given before the coroner proves the moon to have been obscured by clouds when the accident happened. The Commissioners infer that the train was going at excessive speed, which is almost impossible, the engine having to take water within a few hundred yards of the place of misfortune. They conceive the driver made a rush to run the horses down. The jury acquitted the officers in charge of the train of all blame.

In the case of a boy hurt at Thorold, on the 7th of December, 1854, the Commissioners take occasion to remark on the general inhumanity of Engine Drivers. The story is simple, and does not justify so debasing a charge against men respectable in their station of life. This boy was improperly walking on the track, on his way to some workmen who were near; the engine approached round a slight curve, and the Commissioners say that if the driver did not see the boy he ought to have done so, forgetting that the engineman has several duties to attend to which inevitably prevent his time being entirely occupied with looking straight a-head. Had the commissioners said the boy ought to have seen the engine soon enough to avoid danger most people

would agree with them. Indeed, so long as people will put their lives heedlessly in peril, so long must such accidents continue occasionally to occur, a truth which the commissioners themselves appear to recognise by subsequently recommending that all trespassers upon railways shall be liable to fine or imprisonment.

The use of bells on engines, much insisted upon by the commissioners is a question on which opinions may reasonably differ. To multiply signals of warning is certainly a risky experiment. At stations, and in towns through which trains run, the chief means of safety must always consist in those in or about the trains taking common sense care of themselves. Without this, the company's rules, however good and however well administered, will not be effectual. On Lines where the trains run through towns, often for a considerable distance, *along streets* simultaneously occupied by horses, carriages, and foot passengers, bells may be of some use, whilst the train is moving slowly, and they were no doubt adopted in the United States, as less likely than the scream of the whistle, to frighten animals within a few feet of them, but as none of these peculiarities exist upon the line of the Great Western Railway, the whistle alone is thought to afford the greatest safety.

The accident at Baptiste Creek is attributed by the commissioners to wilful negligence, and disobedience of the company's orders, by the conductor of the gravel train. This result coincides with the verdict of the coroner's jury, and also of the grand jury, at Chatham Assizes. Indeed, the result of all inquiry into that sad event, proves that the accident arose

solely, as the commissioners say, from the conductor "ordering out the gravel train, *not only in violation of rules and regulations*, but in defiance of every dictate of common prudence and sound judgment."

The commissioners condemn the arrangement for ballasting the line by contract. This work is almost uniformly done by contract in the United States, and in England, countries where those who manage such matters, are as anxious to adopt safe and practical means of doing their business as parties in Canada can be. The Great Western contract for ballasting was made with the advice and concurrence of Mr. Clark, the company's engineer, of whom the commissioners speak in terms of professional commendation. The construction of the line was in the hands of various contractors before the present Managing Director came to Canada, each contractor having also a part of the ballasting to do, but they were afterwards bought off, as regards the ballasting, specially to avoid danger and confusion, and a liberal price was given to Mr. G. F. Harris to insure good work and safety, and to afford him compensation for loss of time owing to detentions in carrying on the work, and he assumed the whole. That one of his men disobeyed orders, and in that way caused the lamentable accident at Baptiste Creek, is more regretted by the Directors probably, than by many who were loudest in their censures. The commissioners may not be aware that it has been the almost invariable practice in England, where trains are many times more numerous than on the Great Western Railway, to have the repair of the line executed by contract, involving the taking up of rails, chairs

and sleepers, and the daily running of ballast trains which are always more or less required even when the ballasting of a Railway has been completed.

The detention of a party of emigrants at Baptiste Creek, on the 2nd July, 1854 is freely reported upon by the commissioners whose observations are concluded by ascribing the deaths which took place to "a combination of circumstances over which the servants of the company could exercise no control." Those who know anything of the way and condition in which emigrants from the continent of Europe usually travel, will not be surprised that in coming to hot climates and occasionally to places, for a time peculiarly unhealthy, that much misery and many deaths take place. The preliminary circumstances, however, which commonly prepare such catastrophes are found in their sufferings on board crowded ships, and in their habits of living. Raw vegetables, whiskey, and bad rye bread being their constant food, the latter being brought with them from their native country.) This diet, aided by the well known effect of lake water upon systems debilitated by long confinement in a crowded vessel, was, no doubt, the main cause of the bad state of health of the emigrants referred to. A description of emigrant adventures at New York was given in the *Tribune* newspaper there a few months ago, which almost defies belief in the stories of imposture practised upon them. However, so far as emigrants came on the Great Western Line last summer they received liberal accommodation, and when it is known that so sickly was the season, that it was difficult to get men to work the line at all, the attention received by the emigrants did credit to the exertions and humanity of the com-

pany's staff. When emigrants arrived at Hamilton from Quebec, they had a few hours rest and were generally sent on to Windsor by the night express trains, thus giving them despatch on the journey, and saving them from the violence of the mid-day heat. The company also assumed a very large expense for medical assistance, and for a hospital at Windsor, besides large expenses at Hamilton and other places. The result of all this is that, the company lost money by that part of their business. If it be judged necessary that emigrants who cannot, or will not pay for themselves, should have extra travelling comforts, the charge for such accommodation should fall on the Government, and not be extorted from private companies by legal compulsion, forcing the latter to convey traffic which involves loss.

The commissioners next remark upon the Line being opened before it was properly fenced. It may be replied that after the rails were laid, there was a public pressure which actually threatened violence if the company refused to run trains, and so serious was this on the Western Division, that crowds of people forced themselves upon the construction trains, consisting of open platform cars, in spite of all dangers and warnings, and greatly impeded the regular work of those trains. Fencing in the U. States is notoriously neglected, and there are hundreds of miles of railway at this time without fencing at all. Mr. Clark's letter referred to by the commissioners, was not intended to make the want of fences an obstacle to opening the Line between the Suspension Bridge and Hamilton. Mr. Clark, in a published Report, said that section of the Line would not be ready for opening before 1st January, 1854, and when he objected to

the line being opened before that time, his letter expressly states that he did so in consequence "of the incompleteness of the grading and superstructure," making no mention whatever of fencing. Mr. Clark was a consenting party to opening the line between Hamilton and Windsor, 185 miles out of the whole 229, and it was simply a question between Mr. Clark and the Board of Direction, whether the eastern section of44 miles should be opened about the middle of November or on the 1st January following, which was the time proposed by him for the general opening. The Directors thought that by opening the Eastern portion a few weeks before the other part, there would be an opportunity for some of the working staff to gain experience; but before doing so they took the opinion of an experienced engineer, who after an inspection of the line reported in writing that it might be run with safety, an opinion which the result has fully justified. The Directors are surprised that the commissioners make it appear in their report that the whole line was opened contrary to the advice of Mr. Clark. As before stated, Mr. Clark's objections were only to the Eastern Division and this fact was well known to the commissioners.

Whether the general opening was a wise measure as promoting the Shareholders' interest, though it certainly accommodated the public, is not a question in dispute here. It is rather, whether the having done so led immediately to any of the accidents which have since happened; a question which the commisioners themselves decide by stating that the "Great Western has escaped, as far as we could learn, any serious accident from these particular

causes." Thus their dissertation turns out to be based not upon what did occur, but upon what might have occurred.

It will not seem out of place here to observe, that the Michigan Central Line, an old and favorite road, made and managed by a gentleman of the most acknowledged ability and experience, whose very name has given character to it, had a few months ago still some fifty miles unballasted, and a good deal of the line not fully fenced.

The commissioners next state that they have ascertained that the system of management adopted on the Great Western Railway is unknown to those familiar with the administration of Railroads in America. The only instances with which the commissioners support this assertion, are in the absence of bells on the engines, and sign boards at the crossings. Yet in all other matters specially mentioned in the Report, it is stated that the course adopted by the Great Western is in accordance with the usual practice in the United States. If the commissioners had sought information from the President and Directors as to the system of Great Western management, perhaps they would not have published all they have done, but they preferred going to Col. O. B. Dibble, proprietor and keeper of a large hotel in Detroit, for speculative opinions upon Railway management, and they seem to have been charmed with the information he gave them. Was this because it confirmed their own well digested views previously formed from experience, or because they had no previous views at all, and therefore went to Biddle House with minds open to "impressions." The Directors do not understand why Col. Dibble's opinion,

should be adopted by the commissioners as their own exposition of Railway management, neither do they understand why the question of management is incorporated into a report which is authorized only as an enquiry into certain accidents, and the causes of them, on the Great Western Railway.

The following letter from the Postmaster at Detroit, will serve to shew that all who were canvassed did not support Col. Dibble's views:—

DETROIT POST OFFICE,
March 28, 1855.

C. J. BRYDGES, ESQ.,

Dear Sir,—In answer to your enquiries I have to state that I was solicited to sign a letter furnished the Commissioner appointed to investigate the causes of the accidents which had occurred on the Great Western Railroad. That letter reflected somewhat severely upon your management, and when presented to me by Col. Dibble for signature I declined to sign it.

I did, however, write a letter in answer to the queries of the Commissioner, Mr. Coffin, relative to the United States Mail service, but not exactly of the character of the statement signed by Col. Dibble.

I am, Dear Sir,
Very Respectfully,
Your most ob't Servant,
J. F. BRODHEAD, P. M

The public must judge from the above whether the enquiry was conducted with fairness to all concerned.

The Directors cannot omit to take notice also of the manner in which the commissioners obtained possession of a letter from one of the Conductors of the Railway to the Managing Director, printed at page 134, in the evidence attached to the report. This letter is one which the Directors would themselves at once have placed before the commissioners, had it been called for. But upon seeing the letter in print, with a note appended by one

of the commissioners, as follows:—"handed to me by "Colonel Dibble, as received from the writer with au- "thority to copy," the Directors at once applied to Mathews, the conductor, for explanation, who denied having ever spoken to Colonel Dibble on the subject. Colonel Dibble was next applied to, who wrote the following letter to Mr. Brydges, the Managing Director,—

BIDDLE HOUSE, DETROIT,
March 17th, 1855.

DEAR SIR,

Mr. Mathews informs me that he has been placed in a false position relative to a certain letter addressed by him to you, some time since, at your request, touching the action of some of the employees on the Great Western Railway, a copy of which letter was obtained by William F. Coffin, Esq., Commissioner.

On this subject, I beg leave to state, Mr. Coffin, while here, had several conversations with me on the subject of the management of the Great Western Railway and its details, as far as it had come to my knowledge. This I casually mentioned to Mr. Hertford, then a conductor on the Road. He remarked that Mr. Mathews had written to you on the subject, and that he (Mr. H.) had a copy of the letter. I told him I should like to see it. Without any hesitation he read it to me. Soon after I met Mr. Coffin and told him the substance of the letter. He desired to see it. I asked Mr. Hertford for it—gave it to Mr. Coffin, who took it to his room. Whether he took a copy of it or not I do not know. It was returned to Mr. Hertford. In all this Mr. Mathews had no agency whatever, nor, to my knowledge, connived in the least to the exposure of the corrspondence.

I beg this occasion to say, the Great Western Railway has always received the aid of this house to the utmost, and any and all objections to it and its management always found apologists with us.

I am, Sir, very respectfully, &c.,

ORVILLE B. DIBBLE.

C. J. BRYDGES, Esq.

Here the Directors again leave the public to judge with what fairness this inquiry has been conducted.

The Directors also leave the public to contrast the last paragraph of the above letter with the

statements made by Col. Dibble, so prominently noticed by the Commissioners in their report, at pages 41 and 42. and which they refer to as having suggested many of the views they put forth.

Those statements are filled with a great deal of what Colonel Dibble has heard, but of himself knows nothing. Colonel Dibble speaks in generalities. He says "the trains keep no time at all." The Commissioners print a return shewing that out of 312 trains, 253 connected at the Suspension Bridge Did they enquire whether as many connections had been made by the American lines in the same time? Are they aware that since the 1st January, the Great Western trains have connected at Detroit 19 times oftener than those of the Michigan Central Railway? Col. Dibble alludes to the frequency of accidents - of the seventeen which the Commissioners shew as having happened on the Great Western in 1854, there are only *four* which they consider as accidents, the rest having arisen from causes beyond control, and unhappily many the consequence of drunkenness. On the Michigan Central Line there happened *seven* fatal accidents in 1854, involving much loss of life, independently of the cases of men run over, &c.

Col. Dibble says the traffic is all going via the South Shore Lines. The managers of those lines will hardly confirm this. A reference to the last Great Western Report will shew that the through Passengers from Niagara Falls to Windsor, gave a receipt of £76,000 for the half year, against £67,000 received from local passengers, and the last weeks' returns shew that the traffic has increased over that of last year as follows:

	No.	Amount.
Local Passengers	2442	£290 0 0
Through Do	1515	1726 0 0
Freight and Sundries		2058 0 0

Col. Dibble talks about the superiority of American and Canadian employees, perhaps under an impression that the Great Western staff are mostly imported men, but the Commissioners were furnished with a statement, printed at page 185, shewing, that of the Great Western staff two-thirds were born on this Continent, or were in the country before the Railway opened for periods varying from 3 to 25 years, and that of the remaining third, less than 30 were brought out from Europe.

Col. Dibble's information that half the locomotives have been burnt up by English and Scotch operatives, is both incorrect and absurd. The engine drivers on the Great Western, are men who have been employed in driving Engines for from 3 to 18 years, and the only two engines "burnt" since the opening of the Line, were burnt by American drivers.

Col. Dibble assumes the Railway to be worked by telegraph and not by time table. Such is not the fact, as was fully explained to the commissioners, though it does happen that English Government inspectors for enquiring into the causes of accidents in that country, are now recommending the more free use of the telegraph even upon double lines of Railway.

The commissioners who give such liberal development to Col. Dibble's statements, pass in silence an answer given to them by the Postmaster at Detroit, who, in a letter printed at page 133, says:—

"For these delays of the mails it is but justice to say the Great Western is not always responsible; the eastern trains are often behind time, and thus compel the delay which ensues. Even with the frequent detentions to which mail matter is subject, we find it a very great improvement over the routes by which mails were formerly received.

"The road was in an unfinished state when opened. It was opened at a date too early by months for successful operation, and only because our own citizens clamorously demanded. The track is new, and the road insufficiently stocked, and the urgency of the case compelled the employment of men, in many instances (too many, perhaps,) unused to railroad business.

"The road has done badly—it might have done worse; and it is hardly fair to saddle its management with all that has occurred to merit censure. No superintendent, however competent and experienced, could have given universal satisfaction, nor could it be expected that a new road, hurriedly equipped and forced into premature operation, would, under the most careful and efficient management, meet the approval of our citizens or the travelling public."

The public may again judge of the fairness of this omission.

Why have the Commissioners been wandering through Detroit, Buffalo, Utica, and Albany? If they possessed sufficient knowledge of railways to form intelligent views on the questions they propounded, they might surely have found out the "causes of accidents" upon a Railway in Canada, being the duty which was assigned to them, without going to the United States.

The Directors would also ask why such depositions are admitted as those of a gentleman at Woodstock, which occupy half a column in stating *something which might have happened*, but of which the deponent says of his own knowledge, he knows nothing. Or of another gentleman, who gives evidence about things he had heard from other people, who are not examined by the commissioners—all this upon oath too. The commis-

sioners were, many rare discreet in refusing to have cross-examinations, many good stories get spoiled by such a process.

The Commissioners' statement that the American system is entirely ignored in working the Great Western Railway, has been shown to be both inconsistent with what they have otherwise remarked, and with the facts. They say further that the "whole machinery of a complicated enterprize is not only superintended or directed, but is actually and practically worked out, or attempted to be worked out, by one man." This, as before observed, is not correct, the business of the Great Western Railway being conducted by an ample staff, with the Managing Director at its head, who is responsible to, and controlled by, the action of the Board of Directors, which meets at regular and short intervals.

Under the American system, many Boards meet but once a quarter, or at long intervals, thus leaving, both theoretically and practically, the whole control of the working of the Railway in the hands of "one man"—the Superintendent.

In regard to the suggestions made by the Commissioners relative to the necessity for legislation, the Directors of the Great Western Railway have to observe that they not only will not object to, but will cordially co-operate in devising, all reasonable enactments, calculated to secure the fair claims of the public.

To a proper inspection of railways before they ar used for public traffic, no one concerned in the management of railways can object, as, apart from other considerations, it will remove from the shoulders of railway

managers to those of public officers the responsibility of circumstances which are liable to occur upon newly opened railways.

In regard to the various suggestions made by the Commissioners for legislative action the Directors protest against imposing on the Company an expenditure over which they have no control. Railway Companies, and Directors in particular, have as much interest as the travelling public in avoiding accidents, and in giving every practicable accommodation. To load the Statute Book with restrictive regulations on Railways, is only taking a direct method of preventing the natural extension of these great but difficult and often unremunerative works, on which the progress of Canada in wealth and prosperity now so mainly depends.

Signed on behalf of the Board of Directors.

ROBERT W. HARRIS,
President.

Hamilton, April 5, 1855.